

REMARKS

Claims 1, 2, 4-9, and 19-21 are pending in the present application following entry of the amendments herein. The applicant gratefully acknowledges the indicated allowable subject matter of claims 7 and 8. Claim 7 has been rewritten independently to place claims 7 and 8 in allowable condition. Claim 1 has also been amended. Claim 3 is now canceled. Claims 10-18, previously withdrawn, are also canceled without prejudice to presentation of these claims in one or more divisional applications. Withdrawn claim 9 is amended solely for dependency following the cancellation of claim 3. New claims 19-21 have been added. No new matter has been added.

The Examiner objected to the Declaration and required a new declaration. A supplemental Declaration is being filed concurrently.

ARGUMENTS

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 2,666,979 (Van Dusen). Claim 1 recites an insulated article comprising first and second walls and a vent communicating with an insulating space defined between the first and second walls. Claim 1, as amended recites that the first and second walls are provided by first and second tubes substantially concentric with each other and that the first and second tubes are elongated and flexible.

Van Dusen discloses vacuum insulated containers including ice buckets (Figs. 1-4 and Figs. 10-12) and a coffee pot (Figs. 5-7). Van Dusen does not disclose an insulated article having first and second tubes defining an insulated space that are *elongated and flexible* as required by claim 1. Van Dusen, therefore, does not show each and every feature of the claimed invention.

For at least the foregoing reason, Van Dusen does not anticipate claim 1. Each of claims 2 and 4-6 depends from claim 1 and, therefore, is not anticipated by Van Dusen for the same reasons as claim 1.

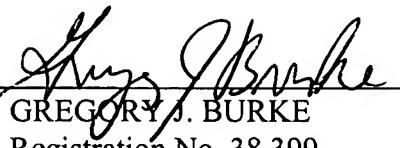
The applicant respectfully requests that the rejection of claims 1, 2 and 4-6 under 35 U.S.C. 102(b) based on Van Dusen be withdrawn.

It is respectfully submitted that the application is in condition for allowance, which is earnestly solicited.

Respectfully submitted,

AARNE H. REID

BY:


GREGORY J. BURKE
Registration No. 38,399
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Sts.
Philadelphia, PA 19103-6996
Tel: 610-993-2217
Fax: 610-993-8585

Attorney for Applicant